

Atty. Dkt. No. 034536-0218

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Axel ULLRICH et al.
Title: NOVEL MEGAKARYOCYTIC PROTEIN TYROSINE KINASE 1
Appl. No.: 09/977,260
Filing Date: 10/16/2001
Examiner: Jegatheesan Seharaseyon
Art Unit: 1647
Allowed: 06/15/2004

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
UNDER CFR §1.705(b)**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicants respectfully request reconsideration of the patent term adjustment included with the Notice of Allowance mailed June 15, 2004.

The above-identified application was filed on October 16, 2001. The United States Patent Office has an obligation to mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application was filed under 35 U.S.C. 111(a), in accordance with CFR § 1.702. The Patent Office failed to act in a timely fashion on the application, as a Restriction Requirement was not mailed to the Applicants until June 18, 2003. Therefore, patent term adjustment is needed for the time period between December 16, 2002, 14 months from application filing date, and June 18, 2003, the mailing date of the non-final Office Action, a total of 184 (one hundred eighty four) days.

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The Patent Office's records reflect a delay on the Applicants' part of 143 days in responding to the Notice to File Missing Parts mailed on November 8, 2001. This calculation is incorrect as the Applicants filed a response to the Notice to File Missing Parts on May 8, 2002, an Applicants' delay of 89 (eighty-nine) days.

The Patent Office mailed a non-final Office Action on October 2, 2003, which the Applicants did not respond to until March 2, 2004. This is an Applicant delay of 60 days.

The Applicants' caused a total delay of 149 days. However, the Patent Office caused a total delay of 184 days. It is, therefore, respectfully requested that a patent term adjustment of 35 (thirty-five) days be issued in favor of the Applicants. This application is not subject to a terminal disclaimer.

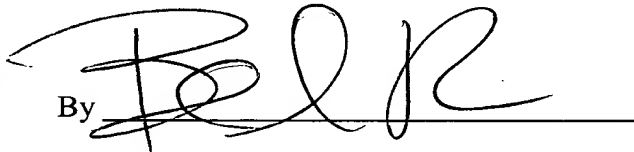
A check for the amount of \$200 is enclosed herewith. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date

15 September 2004

By



FOLEY & LARDNER LLP

Customer Number: 22428

Telephone: (202) 672-5475

Facsimile: (202) 672-5399

Beth A. Burrous

Attorney for Applicant

Registration No. 35,087